

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK ANTHONY JARVEY, SR.,

Defendant.

CR 23-04-GF-BMM-JTJ

FINDINGS AND
RECOMMENDATIONS

I. Synopsis

Defendant Mark Anthony Jarvey Sr. (Jarvey) has been accused of violating the conditions of his supervised release. (Doc. 30) Jarvey admitted the violations. Jarvey's supervised release should be revoked. Jarvey should be sentenced to custody for a term of 7 months, with 53 months of supervised release to follow, with the custodial term to run concurrently with CR 24-58-GF-BMM-JTJ.

Status

Jarvey plead guilty on March 23, 2023, to the offense of failure to Register as a Sex Offender, in violation of Title 18 U.S.C. § 2250(a) as charged in Count 1 of the Indictment. (Doc. 17) Jarvey was sentenced by Amended Judgement to 17

months of custody, followed by 5 years of supervised release. (Doc. 27) Jarvey's current term of supervised release began on November 1, 2023.

Petition

On November 7, 2024, the United States Probation Office filed a Petition requesting that the Court revoke Jarvey's supervised release. (Doc. 30) The Petition alleged Jarvey violated conditions of his supervised release by: (1) consuming alcohol on or about October 22, 2024; and (2) being terminated from his sex offender treatment program on November 7, 2024.

Initial Appearance

Jarvey appeared before the Court on November 22, 2024. Jarvey was represented by counsel. Jarvey stated that he had read the Petition and that he understood the allegations against him. Jarvey waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation Hearing

Jarvey appeared before the Court on November 22, 2024. Jarvey admitted that he had violated the conditions of supervised release as set forth in the Petition by: (1) consuming alcohol on or about October 22, 2024; and (2) being terminated from his sex offender treatment program on November 7, 2024. Jarvey's violations are serious and warrant revocation of his supervised release.

Sentencing hearing

Jarvey appeared before the Court on November 22, 2024. Jarvey's violation is a Grade C. His criminal history category is IV. Jarvey's underlying offense is a Class C felony. Jarvey could be incarcerated for up to 24 months. Jarvey could be ordered to remain on supervised release for up to 60 months less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 6 to 12 months.

III. Analysis

Jarvey's supervised release should be revoked. Jarvey should be sentenced to custody for a term of 7 months, followed by a term of 53 months of supervised release. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Jarvey that the above sentence would be recommended to the Chief United States District Judge Brian Morris. The Court also informed Jarvey of his right to object to these Findings and Recommendations within 14 days of this issuance. The Court explained to Jarvey that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

The Court **FINDS:**

That MARK ANTHONY JARVEY SR. has violated the conditions of his supervised release by: (1) consuming alcohol on or about October 22, 2024; and (2) being terminated from his sex offender treatment program on November 7, 2024.

The Court **RECOMMENDS:**

That the District Court revoke Jarvey's supervised release and sentence Jarvey to custody for a term of 7 months followed by 53 months of supervised release and with the custodial term to run concurrently with CR 24-58-GF-BMM-JTJ.

NOTICE OF RIGHT TO OBJECT TO FINDINGS AND RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT

The parties may serve and file a written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. Section 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge and may waive the right to appear and allocute before a district court judge.

DATED this 22nd day of November 2024.



John Johnston
United States Magistrate Judge